

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JAIME VIAL, as representative of the heirs  
of Rene Correa Borquez and on behalf of  
other persons similarly situated,

Plaintiff,

v.

BRENDA MAYRACK, in her individual  
capacity and official capacity as Director of the  
Office of Unclaimed Property of the State of  
Delaware; BRIAN WISHNOW, in his official  
capacity as the Assistant Director Enforcement  
of the Office of Unclaimed Property; and  
RICHARD J. GEISENBERGER, in his official  
capacity as the Secretary of Finance for the  
State of Delaware, and COLLEEN C. DAVIS,  
in her official capacity as the Treasurer for the  
State of Delaware,

Defendants.

Case No.: 1:24-cv-01313-MN

**DECLARATION OF CHERESE BAYANI IN SUPPORT OF  
PLAINTIFFS' MOTION FOR TRO AND PRELIMINARY INJUNCTION**

Andrew C. Dalton, Esq.  
DE Bar No: 5878  
DALTON & ASSOCIATES, P.A.  
1106 West Tenth Street  
Wilmington, DE 19806  
Telephone: (302) 652-2050  
Email: adalton@dalton.law

William W. Palmer, Esq.  
*(Pro Hac Vice motion pending)*  
PALMER LAW GROUP, PLC  
2443 Fair Oaks Boulevard, No. 545  
Sacramento, CA 95825  
Telephone: (916) 972-0761  
Email: wpalmer@palmercorp.com

*Attorneys for Plaintiff and Class Members*

Dated: December 10, 2024

Jonathan S. Massey  
*(Pro Hac Vice motion pending)*  
Bret R. Vallacher  
*(Pro Hac Vice motion pending)*  
Matthew E. Layden  
*(Pro Hac Vice motion pending)*  
MASSEY & GAIL LLP  
1000 Maine Avenue SW  
Suite 450  
Washington, D.C. 20024  
Telephone: (202) 652-4511  
Email: jmassey@masseygail.com  
bvallacher@masseygail.com  
mlayden@masseygail.com

### **DECLARATION OF CHERESE BAYANI**

I, Chereese Bayani, declare as follows:

1. I am a Paralegal employed at the Palmer Law Group, a PLC, in its Los Angeles Office. I have personal knowledge of the facts set forth in this declaration and can testify competently if sworn as a witness.

2. On November 14, 2024, I called The News Journal at their customer service number listed on their website, delawareonline.com. Attached as Exhibit A are the newspaper advertisements. I spent approximately six (6) hours searching the newspaper and ran searches on their website, including their sub search engine found at “mddc.new.com/publicnotices” and ran searches on Google related to the state of Delaware Unclaimed Property advertisements. The only advertisement that I could find after extended searches and many phone calls and emails to the Delaware newspaper publication is attached as Exhibit A to my declaration. Exhibit A appears as a generic cartoon-like advertisement addressed to the general public and no one in particular. Based on my searches and phone calls for assistance, it appears that no publication notice whatsoever ran from 2017 to 2021. And it appears that there were no publication notices with property owner names and specific individualized information after 2017.

3. I was asked to undertake this task only after Delaware opposing counsel in the *Schramm v. Mayrack* case (Civ. No. 22-1443-MN (D. Del.) declined to produce post-2017 publication notices which opposing counsel deemed to be irrelevant. Attached as Exhibit B, to my declaration are the collective back-and-forth meet and confer email and letter communications among the attorneys on which I am copied. On November 07, 2024, Attorney Max Walton directed us to search the News Journal. Attached as Exhibit C is the thoughtful email from Paralegal Jennifer Marcolini dated November 05, 2024, and the attachments to newspaper advertisements under the provided link.

4. I had great difficulty locating the advertisement (Exhibit A), so I eventually contacted and spoke with Ms. Latoya McDowell, a helpful representative in the Legal Advertising Department at The New Journal. Ms. McDowell, in turn, transferred me to Mr. Bo Kaiser, a representative of the Recruitment Team Lead at LocaliQ. LocaliQ handles advertising for multiple agencies, one being

The News Journal. Mr. Kaiser, though not his department, was very kind and assisted in locating advertisements related to the state of Delaware's Unclaimed Property. After assisting me to the fullest extent possible, Mr. Kaiser took my contact information so he could provide more information, which he promised by the end of day.

5. I was contacted later by Tara Hamm, Director of Public Notices who informed me of the following information: the last order received by her department from the Delaware Unclaimed Property department was in September 2024 for employment recruitment and prior to that advertisement the last order was received in 2021. Therefore, attached as Exhibit A is a true and correct copy of the relevant advertisement which my searches show in the only post-2017 newspaper advertisement directed to property owners that their private property had been seized for and by the Delaware Government. Ultimately, I spent approximately 8-hours of time searching for the publication notices to property owners which turned out to be the generic advertisement attached to my declaration as Exhibit A.

6. I can only assume that any property owner would be forced through this same process and would arrive at the same result, assuming he or she is diligent. In my case, I was paid to undertake the work, while the property owner would not be paid while searching for the advertisement. Finally, I should note that the advertisement does not describe any specific property which one must conclude has already been taken if it already appears on the government's website.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 20<sup>th</sup> day of December 2024, at Los Angeles, California.

  
Cherese Bayani

# **EXHIBIT A**

DELAWAREONLINE.COM | MONDAY, JUNE 7, 2021 | 5A

## DELAWARE GRADUATIONS

View more Delaware graduation photos on [delawareonline.com](https://delawareonline.com).

### DICKINSON HIGH SCHOOL



The 147 seniors in the Dickinson High School class of 2021 participate in their ceremony Saturday.  
GEE JOHNSON/SPECIAL TO DELAWARE NEWS JOURNAL

### McKEAN HIGH SCHOOL



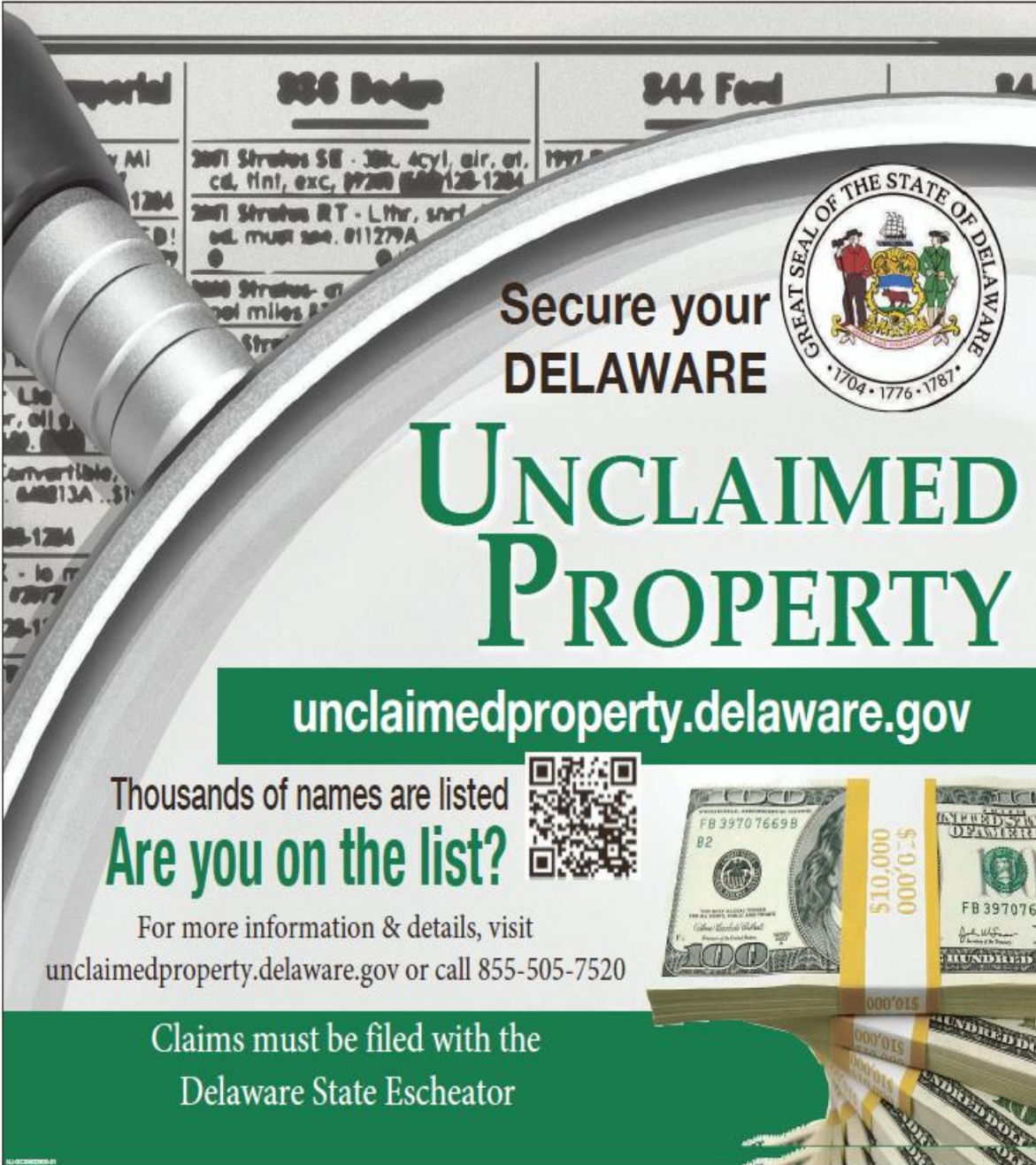
McKean High School students join their graduation ceremony Saturday in Wilmington.  
JALEN ADAMS/SPECIAL TO DELAWARE NEWS JOURNAL

### MIDDLETOWN HIGH SCHOOL




The 476 seniors of Middletown High School participate in their graduation ceremony.  
GEE JOHNSON/ SPECIAL TO DELAWARE NEWS JOURNAL






Secure your  
**DELAWARE**



**UNCLAIMED  
PROPERTY**

[unclaimedproperty.delaware.gov](https://unclaimedproperty.delaware.gov)

Thousands of names are listed  
**Are you on the list?**



For more information & details, visit  
[unclaimedproperty.delaware.gov](https://unclaimedproperty.delaware.gov) or call 855-505-7520

Claims must be filed with the  
Delaware State Escheator

# **EXHIBIT B**

---

From: Max B. Walton <[mwalton@connollygallagher.com](mailto:mwalton@connollygallagher.com)>  
Sent: Thursday, November 7, 2024 6:59 AM  
To: Gaston Loomis <[gloomis@mdmc-law.com](mailto:gloomis@mdmc-law.com)>; Arthur G. Connolly III <[aconnolly@connollygallagher.com](mailto:aconnolly@connollygallagher.com)>; Lisa Hatfield <[lhathfield@connollygallagher.com](mailto:lhathfield@connollygallagher.com)>  
Cc: William Palmer <[wpalmer@palmercorp.com](mailto:wpalmer@palmercorp.com)>; David Schlosser <[dschlosser@palmercorp.com](mailto:dschlosser@palmercorp.com)>  
Subject: RE: Schramm, et al., v. Mayrack, et al., U.S. Dist. Court Case No. 22-1443-MN

Gaston - We are in receipt of your letter received at 6:52 Monday evening while I was away. As I have said many times, we gave you the sample print ad (post statute change in 2017) on August 9. Bill acknowledged receipt. His e-mail is attached and you were cc'd. We are not sure why you are again asking for it. We never agreed to produce all of the publications of this particular advertisement. You can ask the News Journal for it if you want copies of all of these ads.

With regard to the confidentiality designation of Mr. Mayrack's deposition under the local rules, we previously agreed that you would designate the portions of the deposition for which you believe the confidentiality designation should be removed and we would then review. We have never received any proposal from you or Bill to review in the last several months. Moreover, Bill was going to send us a confidentiality stipulation for review, but we never received that either. In my view, we have nothing to meet and confer about until you provide the draft stipulation and provide the portions of the transcript for which you feel the confidential designation should be removed.

With respect Bill's e-mail to Ms. Marcolini on 11/5, we have provided you the newspapers in the OUP's possession. That's what we have. If you want something more, go to the News Journal – those documents are publicly available. Ms. Mayrack testified about the 2017 statute change regarding publication at her deposition – and you attach her confidential testimony to your letter.

In light of the foregoing, if you still feel that a meet and confer is necessary, I am available 3:00-5:00 est tomorrow or on Monday afternoon.

Thanks,

Max

P.S. – If you seek a PI, we will need to have a meet and confer before it is filed.



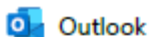
CONNOLLY  
GALLAGHER LLP

Max B. Walton  
CONNOLLY GALLAGHER LLP • [www.connollygallagher.com](http://www.connollygallagher.com)  
• 267 East Main Street • Newark, DE 19711  
☎ 302-888-6297 📠 302-757-7299 ✉ [mwalton@connollygallagher.com](mailto:mwalton@connollygallagher.com)

This message may contain confidential attorney-client communications or other protected information. If you believe you are not an intended recipient (even if this message was sent to your e-mail address), you may not use, copy, or retransmit it. If you believe you received this message by mistake, please notify us by return e-mail, and then delete this message. Thank you for your cooperation.



# **EXHIBIT C**



---

**RE: Newspaper Production**

---

From William Palmer <wpalmer@palmercorp.com>

Date Tue 11/5/2024 9:20 AM

To David Schlosser <dschlosser@palmercorp.com>; 'Jennifer Marcolini' <jmarcolini@connollygallagher.com>

Cc Sandy Doherty <sdoherly@connollygallagher.com>; Arthur G. Connolly III <aconnolly@connollygallagher.com>; Max B. Walton <mwaltan@connollygallagher.com>; Clément Souyri <csouyri@palmercorp.com>; Lisa Hatfield <lhatfield@connollygallagher.com>; Gaston Loomis <gloomis@mdmc-law.com>; Cherese Bayani <cbayani@palmercorp.com>; Mark Hardy <mhardy@palmercorp.com>

Hi Jen, we are looking for the post-2017 newspaper advertisements. I glanced over the materials that you kindly provided this morning, but they all appear to be pre-2017, e.g. 2008, 2009, etc. May we please have the current advertisements post-2017.

Thank you in advance, Bill

William W. Palmer, Esq.



**LOS ANGELES, CALIFORNIA**

907 Westwood Blvd., No. 218

Los Angeles, CA 90024

Phone: (310) 984-5074 / Fax: (310) 491-0919 / Mobile: (916) 396-4266

**LONDON, ENGLAND**

34 Ely Place

Holborn, London

EC1N 6TD

Phone: +44 20 7353 1313

**SACRAMENTO, CALIFORNIA**

2443 Fair Oaks Boulevard, No. 545

Sacramento, California 95825

Phone: (916) 972-0761 / Fax: (916) 917-5397 / Mobile: (916) 396-4266

[wpalmer@palmercorp.com](mailto:wpalmer@palmercorp.com)

[www.palmercorp.com](http://www.palmercorp.com)

There is no agreement for email service of documents without express written agreement and such agreement only applies to the one service requested and not any future service. Ex parte notice is not accepted via email or voicemail. If an email is not

responded to, it is to be assumed that the email was not received.

Privileged/Confidential Information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email. Please advise immediately if you or your employer does not consent to Internet email for messages of this kind. Opinions, conclusions and other information in this message that do not relate to the official business of my firm shall be understood as neither given nor endorsed by it.

---

**From:** David Schlosser <dshlosser@palmercorp.com>

**Sent:** Tuesday, November 5, 2024 8:36 AM

**To:** 'Jennifer Marcolini' <jmarcolini@connollygallagher.com>

**Cc:** William Palmer <wpalmer@palmercorp.com>; Sandy Doherty <sdoherly@connollygallagher.com>; Arthur G. Connolly III <aconnolly@connollygallagher.com>; Max B. Walton <mw Walton@connollygallagher.com>; Clément Souyri <csouyri@palmercorp.com>; Lisa Hatfield <lhatfield@connollygallagher.com>; Gaston Loomis <gloomis@mdmc-law.com>

**Subject:** RE: Newspaper Production

Good morning, Ms. Marcolini:

I just wanted to confirm that the below documents are the defendants' notices or newspaper advertisements for 2017?

Sincerely,

David P. Schlosser

*Senior Paralegal and Assistant to Mr. Palmer*



**SACRAMENTO, CALIFORNIA**

2443 Fair Oaks Boulevard, No. 545

Sacramento, California 95825

Phone: (916) 972-0761 / Fax: (916) 917-5397

**LOS ANGELES, CALIFORNIA**

907 Westwood Boulevard, No. 218

Los Angeles, California 90024

Phone: (310) 984-5074 / Fax: (310) 491-0919

**LONDON, ENGLAND**

34 Ely Place

Holborn, London

EC1N 6TD

Phone: +44 (0)20 7353 1313

[dshlosser@palmercorp.com](mailto:dshlosser@palmercorp.com)

<http://www.palmercorp.com>

There is no agreement for email service of documents without express written agreement and such agreement only applies to the one service requested and not any future service. Ex parte notice is not accepted via email or voicemail. If an email is not responded to, it is to be assumed that the email was not received.

Privileged/Confidential Information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email. Please advise immediately if you or your employer does not consent to Internet email for messages of this kind. Opinions, conclusions and other information in this message that do not relate to the official business of my firm shall be understood as neither given nor endorsed by it.

---

From: William Palmer <[wpalmer@palmercorp.com](mailto:wpalmer@palmercorp.com)>

Sent: Tuesday, November 5, 2024 7:48 AM

To: 'Jennifer Marcolini' <[jmarcolini@connollygallagher.com](mailto:jmarcolini@connollygallagher.com)>; Max B. Walton <[mwalton@connollygallagher.com](mailto:mwalton@connollygallagher.com)>; Gaston Loomis <[gloomis@mdmc-law.com](mailto:gloomis@mdmc-law.com)>

Cc: Lisa Hatfield <[lhathfield@connollygallagher.com](mailto:lhathfield@connollygallagher.com)>; Sandy Doherty <[sdoherty@connollygallagher.com](mailto:sdoherty@connollygallagher.com)>; Arthur G. Connolly III <[aconnolly@connollygallagher.com](mailto:aconnolly@connollygallagher.com)>; David Schlosser <[dschlosser@palmercorp.com](mailto:dschlosser@palmercorp.com)>; Clément Souyri <[csouyri@palmercorp.com](mailto:csouyri@palmercorp.com)>

Subject: RE: Newspaper Production

Thank you very much, Jen.

Best regards, Bill

William W. Palmer, Esq.



**LOS ANGELES, CALIFORNIA**

907 Westwood Blvd., No. 218

Los Angeles, CA 90024

Phone: (310) 984-5074 / Fax: (310) 491-0919 / Mobile: (916) 396-4266

**LONDON, ENGLAND**

34 Ely Place

Holborn, London

EC1N 6TD

Phone: +44 20 7353 1313

**SACRAMENTO, CALIFORNIA**

2443 Fair Oaks Boulevard, No. 545

Sacramento, California 95825

Phone: (916) 972-0761 / Fax: (916) 917-5397 / Mobile: (916) 396-4266

[wpalmer@palmercorp.com](mailto:wpalmer@palmercorp.com)

[www.palmercorp.com](http://www.palmercorp.com)

There is no agreement for email service of documents without express written agreement and such agreement only applies to the one service requested and not any future service. Ex parte notice is not accepted via email or voicemail. If an email is not responded to, it is to be assumed that the email was not received.

Privileged/Confidential Information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email. Please advise immediately if you or your

employer does not consent to Internet email for messages of this kind. Opinions, conclusions and other information in this message that do not relate to the official business of my firm shall be understood as neither given nor endorsed by it.

---

**From:** Jennifer Marcolini <[jmarcolini@connollygallagher.com](mailto:jmarcolini@connollygallagher.com)>  
**Sent:** Tuesday, November 5, 2024 7:41 AM  
**To:** Max B. Walton <[mwalton@connollygallagher.com](mailto:mwalton@connollygallagher.com)>; Gaston Loomis <[gloomis@mdmc-law.com](mailto:gloomis@mdmc-law.com)>; William Palmer <[wpalmer@palmercorp.com](mailto:wpalmer@palmercorp.com)>  
**Cc:** Lisa Hatfield <[lhathfield@connollygallagher.com](mailto:lhathfield@connollygallagher.com)>; Sandy Doherty <[sdoherty@connollygallagher.com](mailto:sdoherty@connollygallagher.com)>; Arthur G. Connolly III <[aconnolly@connollygallagher.com](mailto:aconnolly@connollygallagher.com)>  
**Subject:** RE: Newspaper Production

Good morning, Gaston and Bill,

The link below contains additional newspapers in the OUP's possession that you requested. Please let me know if you have any difficulty accessing the documents.

<https://connollygallagher.sharefile.com/i/ic41468a9c08403b8>

Best regards,  
Jen



CONNOLLY  
GALLAGHER

*Jennifer Marcolini*

Paralegal

CONNOLLY GALLAGHER LLP - [www.connollygallagher.com](http://www.connollygallagher.com)

1201 North Market Street - 20<sup>TH</sup> Floor - Wilmington, DE 19801

PHONE 302-888-6294 FAX 302-757-7297 EMAIL [jmarcolini@connollygallagher.com](mailto:jmarcolini@connollygallagher.com)

This message may contain confidential attorney-client communications or other protected information. If you believe you are not an intended recipient (even if this message was sent to your e-mail address), you may not use, copy, or retransmit it. If you believe you received this message by mistake, please notify us by return e-mail, and then delete this message. Thank you for your cooperation.

---

**From:** Max B. Walton <[mwalton@connollygallagher.com](mailto:mwalton@connollygallagher.com)>  
**Sent:** Tuesday, October 22, 2024 4:12 PM  
**To:** Gaston Loomis <[gloomis@mdmc-law.com](mailto:gloomis@mdmc-law.com)>; William Palmer <[wpalmer@palmercorp.com](mailto:wpalmer@palmercorp.com)>  
**Cc:** Lisa Hatfield <[lhathfield@connollygallagher.com](mailto:lhathfield@connollygallagher.com)>; Jennifer Marcolini <[jmarcolini@connollygallagher.com](mailto:jmarcolini@connollygallagher.com)>; Sandy Doherty <[sdoherty@connollygallagher.com](mailto:sdoherty@connollygallagher.com)>; Arthur G. Connolly III <[aconnolly@connollygallagher.com](mailto:aconnolly@connollygallagher.com)>  
**Subject:** Newspaper Production

Gaston and Bill:

The link below contains the newspapers in the OUP's possession that you requested. Again, it is our position that these are publicly available, but we are sending what the OUP has in its possession. Please contact Jen (cc'd) if you have any trouble accessing the link.

<https://connollygallagher.sharefile.com/i/id4f2ce0e892417d9>





**Max B. Walton**

CONNOLLY GALLAGHER LLP • [www.connollygallagher.com](http://www.connollygallagher.com)

• 267 East Main Street • Newark, DE 19711

☎ 302-888-6297 ☎ 302-757-7299 ✉ [mwalton@connollygallagher.com](mailto:mwalton@connollygallagher.com)

This message may contain confidential attorney-client communications or other protected information. If you believe you are not an intended recipient (even if this message was sent to your e-mail address), you may not use, copy, or retransmit it. If you believe you received this message by mistake, please notify us by return e-mail, and then delete this message. Thank you for your cooperation.

